

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WILLIAM R. CARROLL, et. al., *

Plaintiffs, *

v. * **CIVIL CASE NO.: MJG-02-CV-2084**

BENJAMIN J. MARTIN, et. al., *

Defendants. *

* * * * *

**MOTION FOR PARTIAL SUMMARY JUDGMENT ON THE
ISSUE OF CONTRIBUTORY NEGLIGENCE**

William R. Carroll, Plaintiff, by and through his attorneys, Henry L. Belsky, and Schlachman, Belsky & Weiner, P.A., hereby respectfully requests, pursuant to F.R.C.P. Rule 56, that this Honorable Court grant Plaintiff's Motion for Partial Summary Judgment on the Issue of Contributory Negligence on the basis that there is no genuine dispute between the parties as to any material fact and that Plaintiff is entitled to partial summary judgment as a matter of law. The grounds for this Motion are incorporated by reference in the facts and arguments outlined in the attached Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment as if fully incorporated herein.

WHEREFORE, for the foregoing reasons, Plaintiff, William Carroll, respectfully requests this Honorable Court to grant partial summary judgment on the absence of contributory negligence on the part of Plaintiff. There is no dispute as to any material fact and Plaintiff is entitled to summary judgment as a matter of law.

Respectfully Submitted,

/S/
Henry L. Belsky
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Attorneys for Plaintiff

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* * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of March, 2003, a copy of the foregoing Motion for Partial Summary Judgment on the Issue of Contributory Negligence and accompanying Memorandum, which was electronically filed in this case on March 14, 2003, was mailed, by First Class Mail, postage prepaid to:

Michael B. Mann
Suite 600, Mercantile Towson Bldg.
409 Washington Avenue
Towson, Maryland 21204

_____/S/
Henry L. Belsky
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Attorneys for Plaintiff

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* * * * *

ORDER

Upon consideration of Plaintiff's Motion for Partial Summary Judgment on the Issue of Contributory Negligence and any opposition thereto, it is this ____ day of _____, 2003, by this Court, hereby:

ORDERED that Plaintiff's Motion is **GRANTED**.

JUDGE